



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE REFCO SECURITIES LITIGATION	:	07 MDL 1902 (JSR)
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KENNETH M. KRYS, et al.,	:	
	:	
Plaintiffs,	:	
	:	08 Civ. 7416
-v-	:	
	:	
ROBERT AARON, et al.,	:	
	:	
Defendants.	:	<u>ORDER</u>
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JED S. RAKOFF, U.S.D.J.

On November 25, 2008, defendant Robert Aaron filed a motion in the above-captioned case that moved to dismiss the Amended Complaint against him on several grounds: the Wagoner doctrine; standing; and failure to state a claim.

On February 3, 2010, Special Master Daniel Capra issued a Report and Recommendation in several of the Refco-related cases, including the above-captioned case, which addressed the omnibus issue of standing raised by several defendants' motions to dismiss. By Order dated March 31, 2010, the Court adopted the Special Master's recommendations, which dismissed several claims in various Refco-related cases on standing grounds. The Court further ordered that "in all other respects, the motions to dismiss are denied insofar as they

challenge plaintiffs' standing, and the Special Master will proceed to consider the other issues that remain."

On July 19, 2010, the Special Master issued a Report and Recommendation on all of the defendants' motions to dismiss filed in this case for failure to state a claim, though he left to one side the issues of the applicability of the in pari delicto and Wagoner doctrines. By Order dated March 29, 2011, the Court adopted the July 19, 2010, Report and Recommendation in its entirety.

On December 6, 2010, Special Master Capra issued a further Report and Recommendation on the omnibus issue of the in pari delicto and Wagoner doctrines. By Order dated April 25, 2011, the Court disagreed in part with the Special Master's treatment of the adverse interest exception but otherwise adopted the findings and conclusions of the December 6, 2010, Report and Recommendation not inconsistent with the Court's determinations.

Since the Court has now ruled upon the entirety of Aaron's motion to dismiss, the Clerk of the Court is hereby directed to close document number 34 on the docket of this case.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
March 14, 2013